

FILE COPY

186
No. 1484

FILED

JUN 3 1970

JOHN E. DAVIS, CLERK

In the
Supreme Court of the United States

OCTOBER TERM, 1969

ORGANIZATION FOR A BETTER
AUSTIN, et al.,

Petitioners,

vs.

JEROME M. KEEFE,

Respondent.

On Petition for Writ of Certiorari to the Appellate Court
of Illinois, First District.

REPLY TO RESPONDENT'S BRIEF IN OPPOSITION

WILLARD J. LASSEERS
11 South LaSalle Street
Chicago, Illinois 60603

DAVID C. LONG
231 South LaSalle Street
Chicago, Illinois 60602

WILLIAM SILVERMAN
5110 South Kenwood Avenue
Chicago, Illinois 60615
Counsel for Petitioners

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1969

No. 1484

ORGANIZATION FOR A BETTER
AUSTIN, et al.,

Petitioners,

vs.

JEROME M. KEEFE,

Respondent.

On Petition for Writ of Certiorari to the Appellate Court
of Illinois, First District.

REPLY TO RESPONDENT'S BRIEF IN OPPOSITION

**THE INJUNCTION AGAINST THE DISTRIBUTION
OF NON-COMMERCIAL LITERATURE ANYWHERE
IN A CITY OF 18,000 IS CONTRARY TO PRIOR DE-
CISIONS OF THIS COURT.**

Cases cited by respondent in his brief in opposition support petitioners' position that the injunction against the distribution of literature to which petitioners have been subject for over two years is in direct conflict with prior decisions of this Court. Respondent concedes on the basis of *Hughes v. Superior Court*, 339 U.S. 460 (1950), that newspapers and periodicals are entitled to "unfettered freedom" but attempts to justify the injunction by a false analogy to picketing. (Respondent's Brief in Opposi-

tion, p. 5; hereinafter "R.Br.") However, respondent ignores that this Court in *Hughes* stated that the "distribution of circulars" is entitled to the same freedom under the First Amendment (339 U.S. at 465).

It is clear that respondent does not assert the concept of privacy which was discussed in *Rowan dba American Book Service v. United States Post Office Department*, U.S., 38 U.S. Law Week 4343 (Doc. No. 399, May 4, 1970) (R.Br. p. 4). *Rowan* only permitted recipients of certain kinds of mail to elect not to receive further mail from previous senders. To the contrary, respondent obtained through the courts of Illinois the power to censor the dissemination of literature to all residents in a city of 18,000. *Rowan*, like *Hughes*, demonstrates that the injunction at bar is not supported by the decisions of this Court.

Handbill distribution is an historic, widely used and inexpensive means of expressing ideas. This Court should not sanction its restriction on the false ground that because picketing can sometimes be restricted so can handbill distribution. First Amendment rights are too precious for such easy subversion.

Respectfully submitted,

WILLARD J. LASSERS
11 South LaSalle Street
Chicago, Illinois 60603

DAVID C. LONG
231 South LaSalle Street
Chicago, Illinois 60602

WILLIAM SILVERMAN
5110 South Kenwood Avenue
Chicago, Illinois 60615
Counsel for Petitioners

Supre

ORGANIZ

JEROME
